

**ENTERED**

July 11, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

ROLANDO ROMERO MEZA,

Petitioner,

VS.

KEN PAXTON, *et al*,

Respondents.

§  
§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO. 2:15-CV-00322

**ORDER ADOPTING MEMORANDUM  
AND RECOMMENDATION AS MODIFIED**

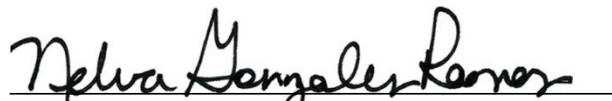
Pending before the Court are Respondents' Motion for Summary Judgment (D.E. 24) and Petitioner's request for entry of default and default judgment (D.E. 27). On March 18, 2016, United States Magistrate Judge B. Janice Ellington issued a Memorandum and Recommendation (D.E. 28), recommending that the motion for summary judgment be granted, that Petitioner's request for default be denied and that a certificate of appealability be denied. The parties were given notice and an opportunity to object.

The only objection filed was Respondent, Robert Lacy's request for modification. Without disagreeing with the Magistrate Judge's conclusions, Respondent Lacy requests the addition of a rationale for denying entry of default and default judgment against him. The Court SUSTAINS Defendant Lacy's objection and holds that entry of default against him would be improper for the additional reason that the Court's Order (D.E. 15) by which he was to appear in this action specifically provided that he not file an answer until further notice.

Otherwise, when no timely objection to a magistrate judge's memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge's memorandum and recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact, conclusions of law, and recommendations set forth in the Magistrate Judge's Memorandum and Recommendation, as well as Respondent Lacy's objection, and all other relevant documents in the record, and having made a *de novo* disposition of the portions of the Magistrate Judge's Memorandum and Recommendation to which objections were specifically directed, the Court **ADOPTS AS MODIFIED** the findings and conclusions of the Magistrate Judge. Accordingly, Respondents' motion for summary judgment (D.E. 24) is **GRANTED**, Petitioner's request for entry of default and default judgment is **DENIED**, and in the event that Petitioner seeks a certificate of appealability, that request is **DENIED**. The petition for habeas corpus relief is **DENIED**.

ORDERED this 11th day of July, 2016.

  
NEEVA GONZALES RAMOS  
UNITED STATES DISTRICT JUDGE